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10/684,821	10/14/2003	Jeff Vogel		9852

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Thomas A. O'Rourke  
Bodner & O'Rourke, LLP  
425 Broadhollow Road  
Melville, NY 11747

EXAMINER

MOHAMMED, ALI H

ART UNIT PAPER NUMBER

2196

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/684,821

Applicant(s)

VOGEL, JEFF

Examiner

Ali Mohammed

Art Unit

2196

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-23 are presented for examination.

***Claim Objections***

2. Claims 6-8 and 12 are objected to for the lack of antecedent basis. Appropriate correction is required.

Claim 6, lines 2 and 3 recites, "said screens";

Claim 7, line 3 and claim 12, line 5 recites, "said first series of pictures";

Claim 8, line 1 recites, "said picture".

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Considering claim 13, a "system" in line 1 of the claim is being recited; however, it appears that the system would reasonably be interpreted by one of ordinary skill in the art as software, per se, including functional descriptive material.

Considering claim 21, an "apparatus" in line 1 of the claim is being recited; however, it appears that the system would reasonably be interpreted by one of

ordinary skill in the art as software, per se, including functional descriptive material.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-11, 13-17, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Meunitz Pub No. 2003/0182170 (hereinafter "Meunitz").

Considering claim 1, Meunitz discloses a method for organizing personal affairs comprising initializing a personal organizer software program to correspond to a plurality of individual users ([0032] lines 5-12, initializing a personal organizer software program for each user to the system), said organizer having a plurality of screens through which each of said users can navigate ([0033] lines 1-3), each of said screens having a slide show window ([0033] lines 6-9, figure 4 – 48, figure 5 – 76, and figure 6 - 90); presenting a first series of selected pictures for a preselected time period on each of said screens of said software program ([0043] lines 11-14), said pictures appearing in said slide show

window (figure 4 – 48, [0033]), said pictures appearing independently of the screen said user is viewing ([0033] lines 6-9, [0040] lines 7-9, and [0043] lines 1-4); and arranging a calendar provided by said software program, said calendar holding personal appointments, events and affairs of each of said users separately ([0041] and [0042]).

Considering claim 2, Meunitz discloses personal organizer software is packaged on a compact disc ([0031] lines 3-4).

Considering claim 3, Meunitz discloses said compact disc can be placed in a greeting card ([0046] line 12).

Considering claim 4, Meunitz discloses said compact disc can be a promotional item ([0046] lines 13-14).

Considering claim 5, Meunitz discloses software program is adapted to be customizable by each of said individual users ([0016] lines 7-12, allows users to play and load different media files in the slideshow).

Considering claim 6, Meunitz discloses said pictures are presented on said screens ([0033] lines 6-9, figure 4 – 48, figure 5 – 76, and figure 6 - 90), in a successive sequence while said user remains on said screen ([0043] lines 1-4,

the slideshow window is the same for all screens, and playing in successive sequence).

Considering claim 8, Meunitz discloses said pictures are pre-packaged with the software program ([0034] lines 1-5, software can come pre-packaged with pictures and logos customized for an individual or company).

Considering claim 9, Meunitz discloses the step of connecting said software program to a remote server ([0038] lines 3-10).

Considering claim 10, Meunitz discloses said remote server is operated by an entity selected from the group consisting essentially of an individual ([0031] lines 4-5, operated on a stand alone computer system run by an individual.).

Considering claim 11, Meunitz discloses the step of integrating said information from said remote server into said calendar ([0038] lines 1-9, integrating information from remote servers or the Internet).

Considering claim 13, Meunitz discloses a system for organizing personal events and appointments (abstract) comprising a personal organizer software program ([0016] lines 12-15), comprising a menu screen, calendar screen, an address book screen, and a phone book screen (figure 3, [0021]); and a slide

Art Unit: 2196

show window on each of said screens ([0033] lines 6-9, [0040] lines 7-9, and [0043] lines 1-4), said slide show window displaying a rotating set of pictures while a user navigates through the software program ([0033] lines 8-9, [0040] lines 7-9, and [0043] lines 1-4).

Considering claim 14, Meunitz discloses personal organizer software is packaged on a compact disc ([0031] lines 3-4).

Considering claim 15, Meunitz discloses said compact disc can be placed in a greeting card ([0046] line 12).

Considering claim 16, Meunitz discloses said compact disc can be a promotional item ([0046] lines 13-14).

Considering claim 17, Meunitz discloses screens are adapted to receive and store information entered by a user [0042].

Considering claim 20, Meunitz discloses said pictures are pre-packaged with the software program ([0034] lines 1-5, software can come pre-packaged with pictures and logos customized for an individual or company).

Considering claim 21, Meunitz discloses an apparatus for personal organization (abstract) comprising a personal organizer software program ([0016] lines 12-15), said program comprising a menu screen, calendar screen, an address book screen, and a phone book screen (figure 3, [0021]), said program being packaged on a compact disc [0031]; and a slide show window on each of said screens ([0033] lines 6-9, [0040] lines 7-9, and [0043] lines 1-4), said slide show window displaying a rotating set of pictures while a user navigates through the software program ([0033] lines 8-9, [0040] lines 7-9, and [0043] lines 1-4).

Considering claim 22, Meunitz discloses a method for being notified about local events (abstract) comprising initializing a personal organizer software program ([0016] lines 12-15) to correspond to a plurality of individual users ([0032] lines 5-12, initializing a personal organizer software program for each user to the system), said organizer having a plurality of screens through which each of said users can navigate ([0033] lines 1-3), each of said screens having a slide show window ([0033] lines 6-9, figure 4 – 48, figure 5 – 76, and figure 6 - 90); presenting a first series of selected pictures for a preselected time period on each of said screens of said software program ([0043] lines 11-14), said pictures appearing in said slide show window (figure 4 – 48, [0033]), said pictures appearing independently of the screen said user is viewing ([0033] lines 6-9, [0040] lines 7-9, and [0043] lines 1-4); arranging a calendar provided by said software program, said calendar holding personal appointments, events and



affairs of each of said users separately ([0041] and [0042]), said software program being adapted to receive information about local events from a server ([0038] lines 24-28).

Considering claim 23, Meunitz discloses a method for concurrently organizing personal affairs and being notified about local events (abstract) comprising initializing a personal organizer software program ([0016] lines 12-15) to correspond to a plurality of individual users ([0032] lines 5-12, initializing a personal organizer software program for each user to the system), said organizer having a plurality of screens through which each of said users can navigate ([0033] lines 1-3), each of said screens having a slide show window ([0033] lines 6-9, figure 4 – 48, figure 5 – 76, and figure 6 - 90); presenting a first series of selected pictures for a preselected time period on each of said screens of said software program ([0043] lines 11-14), said pictures appearing in said slide show window (figure 4 – 48, [0033]), said pictures appearing independently of the screen said user is viewing ([0033] lines 6-9, [0040] lines 7-9, and [0043] lines 1-4); arranging a calendar provided by said software program, said calendar holding personal appointments, events and affairs of each of said users separately ([0041] and [0042]), said software program being adapted to receive information about local events from a server ([0038] lines 24-28).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 12, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunitz in view of Goodman et al. Pub No. 2003/0182402 (hereinafter "Goodman").

Considering claim 7, Meunitz fails to disclose the step of said user uploading pictures a second series of pictures to replace said first series of pictures in said slide window.

Goodman discloses the step of said user uploading pictures a second series of pictures to replace said first series of pictures in said slide window [0092] lines 10-13).

Therefore, it would have been obvious to anyone skilled in the art at the time of the invention to modify the teachings of Meunitz by uploading pictures a second series of pictures to replace said first series of pictures as disclosed by Goodman in order to allow the user to easily upload and replace pictures from any source, including a computer or mobile phone, and to have it published to the software program or the Internet (Goodman, [0092] lines 14-20).

Considering claim 12, Meunitz fails to disclose the step of downloading a second series of pictures from said remote server, said second series of pictures replacing said first series of pictures in said slide show window in said software program.

Goodman discloses the step of downloading a second series of pictures from said remote server, said second series of pictures replacing said first series of pictures in said slide show window in said software program ([0055] lines 11-15).

Therefore, it would have been obvious to anyone skilled in the art at the time of the invention to modify Meunitz by disclosing the step of downloading a second series of pictures from said remote server, said second series of pictures replacing said first series of pictures in said slide show window in said software program disclosed by Goodman in order to create thumbnail files with the older and newer pictures and have them in lower and higher resolutions (Goodman, [0055] lines 14-15).

Considering claim 18, Meunitz fails to disclose said pictures are uploaded by said user.

Goodman discloses said pictures are uploaded by said user [0073].

Therefore, it would have been obvious to anyone skilled in the art at the time of the invention to modify the teachings of Meunitz by uploading pictures by said user as disclosed by Goodman in order to include lower and higher

resolution of uploading pictures to be used in a variety of ways (Goodman, [0076] lines 8-12).

Considering claim 19, Meunitz fails to disclose said pictures are downloadable from a server.

Goodman discloses said pictures are downloadable from a server ([0072] lines 1-4).

Therefore, it would have been obvious to anyone skilled in the art at the time of the invention to modify Meunitz by disclosing said pictures are downloadable from a server in order to print or transfer these pictures to external items or products (Goodman, [0072] lines 4-9).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cotte – Pub No. 2004/0148351 – Communications Web Site.
- Qureshi et al. – Patent No. 6,396,500 – Method and System for Generating and Displaying a slide show with animations and transitions in a browser.
- Manolis et al. – Patent No. 6,583,799 – Image Uploading.
- Conning – Pub No. 2004/0250205 – On-Line Photo Album Customizable Pages

- Cadiz et al. – Pub No. 2002/0186257 – System and Process for Providing Dynamic Communication Access and Information Awareness in an Interactive Peripheral Display.
- Baxter et al. – Patent No. 6,128,010 – Action Bins for Computer User Interface.
- America On-Line Versions 6.0 and 7.0 – Dated 2001 and 2002 – This online software lets a plurality of users connect to the network, which can be customized for each user, allowing them to upload, download, and store information saved to each individual profile, store and manage different type of slide shows consisting of different media files, and the software can be customized for an individual, school, or business.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Mohammed whose telephone number is (571) 270-1254. The examiner can normally be reached on Monday-Friday (7:30-5:00).

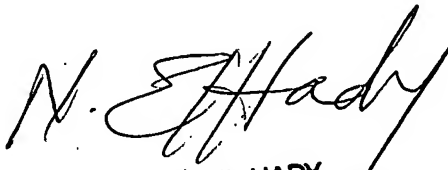
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2196

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ali Mohammed  
November 20, 2006



NABIL M. EL-HADY  
SUPERVISORY PATENT EXAMINER